

REMARKS

Claims 1-20 were issued on 14 December 1999. Claims 21-36 are new and pending.

The patent in question was allowed on first office action with minor changes made to the claims by Examiner's Amendment. The attorney handling the case at the time did not appreciate that the scope of the invention extended beyond the scope of the claims allowed and that issued in the case and so was satisfied with the issued claims. Following discussions between an inventor and the undersigned attorney, it became clear that Applicants were entitled to broader claims that would better capture the invention. The above new claims are directed to the true scope of the invention as understood by the inventors and the undersigned, and are, in Applicants' belief, allowable over the prior art of record at the time of prosecution of the originally filed patent application since no one had disclosed, taught, or suggested the formation of polysilicon MEMS elements with single crystal silicon MEMS elements formed from the active layer of a SOI wafer.

In view of the foregoing, Applicants believe the subject Reissue application is in condition for allowance and request such allowance at the Examiner's earliest convenience. If the Examiner considers personal contact advantageous to the disposition of this case, please call Applicants' Attorney, David E. Henn at (585) 423-4299, Xerox Corporation, Rochester, New York 14644, or fax him at (585) 423-5240.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David E. Henn", is written over a horizontal line.

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DEH/gmm

Application No. 10/014,563

Attorney Docket No. D/98706R

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 21-36 are NEW claims.